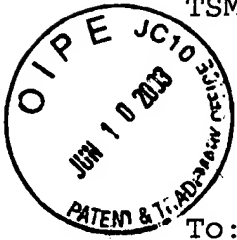


TSMC-01-071



May 29, 2003

2814
#5/2003 action
6/17/03
C.P.-

To: Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Art Unit 2814 - Nathan W. Ha

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603

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JUN 12 2003
TECHNOLOGY CENTER 2800

Subject: | Serial No.: 09/989,837 11/20/01 |

Chaochieh Tsai et al.

RF SEAL RING STRUCTURE

| _ Art Group: 2814 Nathan W. Ha _ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 05/07/03. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on ~~May~~ ^{JUNE 6}, 2003.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

S.B. Ackerman 6/6/03

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 13-23 to a semiconductor device, classified in Class 257, subclass 758 and Group II - Claims 1-12 to a process, classified in Class 438, subclass 118.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 1-12 drawn to a process classified in Class 438, subclass 118. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a seal ring surrounding the perimeter of an integrated circuit," and the process Claims are directed to "a method of fabricating an integrated circuit seal ring", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass

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438/118 and products class 257/758 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "instead of using a method of depositing as inter-metal dielectric layer, as set forth in claim 9, the process may be carried out by another method, for example, sputtering", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,



Stephen B. Ackerman, Reg. #37761